

Thank you for contacting the City Council regarding your views on the Precise Plan of Design application to build the California Heart and Surgical Hospital in Loma Linda.

It has come to my attention that some members of the public may be confused as to what kind of decision is currently before the city council with respect to this matter. The following explanation may be helpful.

The actions which the City Council takes are of two types: a) legislative and b) administrative or quasi-judicial.

An example of a **legislative decision** would be the act of zoning a piece of property. If a property owner wants to annex land to the city, the property will receive a zoning designation. Zoning is the formal process of deciding what type of development is in the best interest of the city for different areas of the city. The final zoning designation may be the result of a number of considerations including consultations between the property owners and the city, the zoning of adjoining land, and other considerations by the city council. Deciding what type of development should be allowed to take place in the South Hills outside of the initiative area is a legislative action. State law requires that public input be considered in this type of action and often community sentiment counts heavily in the final decision.

An example of a **quasi-judicial decision** would be action by the City Council granting or denying an application to construct something on the land in accordance with the already-approved zoning. Each zone has a detailed list of requirements regulating what can be located on a piece of property. Buyers of property usually are very careful to understand the zoning requirements before they purchase the property. It is important that a buyer of property have the confidence that once he/she buys the property, his/her application to build on that property will be granted as long as the project conforms to the city's zoning requirements and other development standards. If a buyer of property could not have that confidence, property would have little value. State law requires that public input, be considered in this type of action but in a different way than in a legislative action. Let me explain.

A common type of application to construct a project is a called a Precise Plan of Design (PPD). A PPD is a regulatory permit intended to help the City review and approve specific design features of a project, such as location, size and dimensions of buildings, landscaping, parking areas, driveways, etc, to ensure compliance with City standards and compatibility with surrounding uses.

An example of this is the application by the California Heart and Surgery Hospital to the Loma Linda City Council requesting approval of a Precise Plan of Design to construct a hospital building on the north side of Barton Road near our eastern boundary with Redlands. The Charter of the City of Loma Linda governs this process.

The land on which the proposed hospital would be located is currently zoned A-P. This property has carried this zone designation for many years.

Section 17.42.020 of the Loma Linda Code states:

Permitted uses in the A-P zone shall be as follows:

- A. Offices of physicians, dentists, attorneys, real estate brokers, engineers, accountants, insurance agents, architects, stockbrokers, escrow agents, and similar professional and service enterprises;
- B. Hospitals, medical facilities, and uses related thereto;
- C. Pharmacies, and similar uses when incidental to a professional building;

This section continues with a long list of other types of development which may take place on this property.

Now, before we go on, two important definitions in the Charter of the City of Loma Linda need to be pointed out;

Article 4: Section 400: Definitions:

- Line E: the word “May” is permissive
- Line I: the word “Shall” is mandatory

Now, to the rules given in our charter that the City Council is obliged to follow in approving or rejecting an application for a precise plan of design:

Section 17.30.280 Precise plan of Design - Approval or rejection.

“Such proposed Precise Plan of Design *shall* be approved” unless the City Council determines that the project as currently proposed will result in one or more of the following objections, then “modifications and conditions *may* be imposed only to the extent reasonably necessary in connection with the proposed use to remove the said objections”.

1. Substantially depreciate property values in the vicinity
2. Unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants for lawful purposes.
3. Adversely affect the public peace, health, safety, or general welfare to a degree greater than that generally permitted by this title. (greater than what could reasonably be expected under the current zoning)

It is with respect to the above three possible objections that state law requires the Council to consider public input. It is possible that a member of the public may be able to present evidence which would convince the City Council that one or more of the above objections is serious enough to warrant a modification (or even a denial) of the application for a precise plan of design. In this case a City Council, in making their decision, is required to consider objective

evidence rather than public sentiment. The council, in effect, acts as a judge by applying the existing law (zoning rules and regulations) to the facts as determined in the public hearing. The public record must contain substantial evidence to support any factual findings made by the council, and those findings must in turn support the final decision of the council. The council must afford the applicant due process, including a fair and unbiased hearing on the merits of the application.

I hope that the above explanation helps in the public's understanding of what it is that the City Council is being asked to do, and the process it must follow in making the quasi-judicial decision concerning the California Heart and Surgical Hospital's Precise Plan of Design application.

Sincerely,

Floyd Petersen, Mayor